

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GERARD DEPTULA,

Petitioner

: Civ. No. 1:15-cv-2228

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: Judge Rambo

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: Magistrate Judge Carlson

:

: v.

LORETTA LYNCH, et al.,

Respondents

M E M O R A N D U M

Before the court is a report and recommendation filed by the magistrate judge (Doc. 25) in which he recommends that Petitioner Deptula's petition for a writ of habeas corpus be dismissed as moot. No objections have been filed to the report and recommendation and the time to do so has passed.

I. Background

Deptula, an alien, was placed in immigration removal proceedings and detained for more than twelve months without an individualized bond hearing. His writ of habeas corpus sought such a hearing. Pursuant to *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 475 (3d Cir. 2015), an individualized bail hearing was ordered. (Doc. 24.)

The magistrate judge recommends that the petition for a writ of habeas corpus be dismissed as moot.

II. Discussion

In support of his recommendation, the magistrate judge cites, among other decisions, the case of *Sanchez v. Attorney General*, 146 F. App'x 547 (3d Cir. 2005), which held that for prisoners who challenge their continued immigration custody pending removal proceedings, a decision by immigration officials releasing the alien pending completion of removal proceedings makes the habeas petition entirely moot, and compels dismissal of the petition. *Id.* at 548-59.

III. Conclusion

Since the petitioner in the instant case has received the relief he sought in his petition and consistent with the reasoning in *Sanchez*, the report and recommendation will be adopted.

An appropriate order will issue.

s/Sylvia H. Rambo
United States District Judge

Dated: April 28, 2016